

**FINDING OF NO SIGNIFICANT IMPACT AND
DECISION DOCUMENT**

**ENVIRONMENTAL ASSESSMENT
FOR THE
PROTECTION OF THE
APPALACHIAN NATIONAL SCENIC TRAIL
ACROSS SADDLEBACK MOUNTAIN
IN FRANKLIN COUNTY, MAINE**

Introduction

The Appalachian National Scenic Trail (A.T.) is a continuous, marked footpath extending approximately 2,160 miles across the Appalachian Mountains from the summit of Springer Mountain in Georgia to the summit of Katahdin in Maine. The route of the Trail across Saddleback Mountain was established in 1935, and the entire Appalachian Trail was completed initially in 1937.

As the longest unit of the National Park System, the Appalachian National Scenic Trail provides opportunities for millions of visitors each year to traverse and experience countless wild, scenic and pastoral settings in the Appalachian Mountains. The Appalachian Trail also affords an opportunity for continuous long-distance hiking that is world-renowned. More importantly, an estimated three to four million visitors annually enjoy some portion of the Trail, whether it is a leisurely stroll, a weekend outing, an extended backpacking excursion of a week or more, or a “thru-hike” of the entire Trail lasting four months or more.

Legislative Authority for and Purpose of the Proposed Action: In 1968, Congress passed the National Trails System Act “in order to provide for the ever-increasing outdoor recreation needs of an expanding population and, in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas, and historic resources of the Nation.” In passing the National Trails System Act, Congress established criteria for national scenic trails, which are “extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass,” and designated the Appalachian National Scenic Trail as the nation’s first national scenic trail. The Act also provided for state and federal land acquisition to establish a permanent right-of-way and protective corridor along the full length of the Appalachian National Scenic Trail.

In 1978, Congress amended the National Trails System Act to authorize additional federal funding to protect the Appalachian National Scenic Trail. Congress also directed the National Park Service and the U.S. Forest Service to accelerate their Trail-protection programs and expanded the federal agencies’ authority for use of eminent domain (as a last resort) for protection of the Appalachian National Scenic Trail. Since that time, the

National Park Service has engaged in an active and successful Trail-protection program, which is rapidly nearing completion. Today, more than 2,130 miles of the 2,160-mile long Appalachian National Scenic Trail are permanently protected by state or federal ownership, including approximately 277 miles of the 281 miles of the A.T. in Maine.

The 3.5-mile section of the Appalachian National Scenic Trail across Saddleback Mountain, from Eddy Pond to The Horn, represents the single longest remaining unprotected stretch of the Appalachian National Scenic Trail. The purpose of the National Park Service's action is to protect this section of the Appalachian National Scenic Trail and fulfill the intent of the National Trails System Act of 1968, as amended.

Compliance with the National Environmental Policy Act

The *Environmental Assessment* was prepared to document factual information about the environment of the Appalachian National Scenic Trail across Saddleback Mountain and to analyze and disclose the potential consequences of various alternatives for protecting the Appalachian National Scenic Trail across Saddleback Mountain. The environmental assessment process also provided a forum for the public to express their concerns. The analysis further served to fulfill NPS responsibilities for coordination under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. Lastly, and perhaps most important of all, the environmental assessment process was intended to facilitate a sound and reasoned decision, based upon consideration of all relevant known factors, for protection of this critical 3.5-mile section of the Appalachian National Scenic Trail.

History of Negotiations to Protect the Appalachian Trail across Saddleback Mountain

Although a number of contacts between other parties occurred earlier, National Park Service representatives first contacted the owner regarding protection of the Appalachian Trail across Saddleback Mountain in 1984. A detailed summary of negotiations between 1984 and 1999 is contained in Chapter 1 of the *Environmental Assessment*. The *Summary Report*, issued in January 2000, provides further information regarding these negotiations.

Following issuance of the *Summary Report* in January 2000, the National Park Service and the landowner resumed negotiations. A number of negotiating sessions were held between April and July 2000. Unfortunately, little progress was made toward reaching a mutually acceptable agreement. With negotiations near an impasse in September 2000, the Assistant Secretary of the Interior became involved and participated in an intensive, month-long round of negotiations that finally concluded with a binding agreement between the two parties. With the makings of an agreement taking shape, Congressional appropriators and members of the Maine Congressional delegation played instrumental roles in securing Congressional authorization and appropriation of four million dollars to purchase approximately 587 acres on the southeast side of the mountain – an amount far in excess of the appraised value of the property. In addition to the purchase of the

southeast side of the mountain, the negotiated settlement also provided for a fee conveyance of approximately 538 acres along the ridgeline of the mountain and conveyance of a scenic easement on an additional 322 acres in the “saddle bowl.” The settlement further permitted the landowner to characterize the conveyance of the 538-acre parcel and 322-acre easement as a donation.

The purchase and sale agreement was signed by the landowner and the duly authorized representative of the Department of the Interior on October 31, 2000. Congressional direction was enacted into law as part of Public Law 106-554 in December 2000. The details of the final agreement are contained in the following section, under the subheading “The Final Selected Alternative.”

Description of the Alternatives

Alternatives Evaluated in the *Environmental Assessment*: Four different protection alternatives for the Appalachian National Scenic Trail, plus the “no-action” alternative, were described and analyzed in the *Environmental Assessment*. Each alternative represented a different balance between protection of the Appalachian Trail and potential ski area expansion, which could occur on lands outside (and in one alternative, inside) the corridor of land that would be acquired to protect the Appalachian Trail. Please refer to the *Environmental Assessment* for detailed descriptions of these four alternatives and the anticipated environmental consequences associated with each of the four alternatives.

The Final Selected Alternative: The Final Selected Alternative represents a settlement that borrows extensively from all four of the alternatives considered in the *Environmental Assessment*. In very general terms, the entire ridgeline and southeast side of the mountain will be acquired as proposed in Alternative #1; the physical ridgeline between the summits of Saddleback Mountain and The Horn will be protected as proposed in Alternatives #1, #2, #3, and #4; and ski area development could take place in the “saddle bowl” as contemplated in Alternatives #3 or #4, but only under restrictive covenants that apply to the area depicted in Alternative #2.

Under this alternative, the National Park Service would acquire approximately 1,125 acres in fee and acquire a scenic easement on an additional 322 acres (including a 0.77-acre modified easement area where no lifts are permitted). In total, the National Park Service would be acquiring an interest in approximately 1,447 acres. (See Map 1.) Public Law 106-554 also directed that “the Secretary of the Interior shall convey to the State of Maine a portion of the land and interests in land acquired without consideration, subject to such terms and conditions as the Secretary and State of Maine agree are necessary to ensure the protection of the Appalachian National Scenic Trail.” While discussions have just begun between the National Park Service and the State of Maine regarding these terms and conditions, the state has indicated its intention to incorporate the transferred land into its Public Reserved Lands system, which is managed by the Bureau of Parks and Lands (BPL). Although the State of Maine will be responsible for determining the most appropriate management designation for these transferred lands, the National Park Service will seek to ensure that the transferred land is protected and

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managed in a manner consistent with the purposes of the National Trails System Act and protection and management guidelines for the Appalachian National Scenic Trail as articulated in the *Appalachian Trail Land Protection Plan* and the *Appalachian Trail Comprehensive Plan*.

The Final Selected Alternative ensures the continuity of the footpath, prevents ski area expansion from crossing the footpath of the Appalachian Trail, and protects Eddy Pond, the entire southeast quadrant of the mountain, virtually all of the alpine area and krummholz, and most of the subalpine area of Saddleback Mountain. It also protects much of the visual “foreground” area identified using the U.S. Forest Service’s Visual Management System, with the primary exception being the foreground area outside of the fee corridor on the west side of the mountain between the summits of Saddleback Mountain and The Horn.

Ski area development could occur outside the Trail corridor on the west side of the mountain. Much of that development initially would occur within and immediately adjacent to the existing ski area, under terms and conditions imposed by the Maine Land Use Regulation Commission (LURC) in 1989 and 1994. The ski area also could expand into the “saddle bowl” north of the existing ski area but outside the scenic easement area, provided the development was approved by LURC. In addition, ski area development could occur within the 322-acre “scenic easement area” in the saddle bowl, provided it was approved by LURC and designed, constructed, and operated in conformance with deeded restrictions intended to reduce visual and other impacts to the Appalachian National Scenic Trail. The conditions of the scenic easement area are as follows:

1. Development may only begin upon approval of the Maine Land Use Regulation Commission (LURC) or the Maine Department of Environmental Protection (MDEP), whichever has jurisdiction.
2. No ski lifts or terminals may be constructed within a 150-foot wide “modified scenic easement” near the summit of Saddleback Mountain (see Map 2).
3. New lifts and trails must be located to minimize direct line-of-sight views as seen from the footpath of the Appalachian Trail. Visual simulations shall be prepared for any proposed ski lift or ski trail in the foreground zone as viewed from the footpath.
4. Design criteria for any new ski area facilities visible from the trail must be developed so that the color, size, shape, height, mass, texture, placement, and lighting of the facilities will blend in with the natural environment. All visible facilities, including lift towers, bullwheels, chairs, lift-operator shacks, snow-making buildings, and other structures, must be either earth-tone in color or painted non-reflective colors that blend in to the background.
5. Visible snow-making facilities and utilities must be camouflaged, buried, or housed in buildings between May 15th and October 15th. All above-ground snowmaking equipment visible from the Appalachian Trail located in the foreground as viewed

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from the Trail footpath must be camouflaged or removed between May 15th and October 15th.

6. Vehicular access between May 15th and October 15th must be limited to the areas used for ski trails and ski lifts, and access shall be prohibited except for construction, maintenance, and operations.
7. All snow fences, temporary signs and markers, and other facilities and markings visible from the Appalachian Trail footpath must be removed between May 15th and October 15th.
8. Public use of the lifts within the easement area shall be prohibited between May 15th and October 15th.
9. All chairs on lifts within the easement area visible from the Appalachian Trail footpath must be detachable and must be removed between May 15th and October 15th.
10. Vegetative clearing along new ski lifts and ski trails must be designed with irregular shapes and edges that harmonize with existing landforms, slopes, and vegetative patterns.
11. Prior to construction of any new ski area facilities, the parties shall request the Maine Land Use Regulation Commission (LURC) to consider the following:
 - a. the effects of winds and severe weather conditions;
 - b. whether development should be permitted in alpine and protected subalpine zones as defined by LURC;
 - c. whether soil disturbance shall occur at elevations above 2,700 feet above sea level; and
 - d. whether to conduct a survey to define the location and extent of ecological communities and rare plant and animal populations.

Affected Environment

For a detailed description of the affected environment, please refer to Chapter 3 of the *Environmental Assessment for the Protection of the Appalachian National Scenic Trail across Saddleback Mountain*.

Environmental Consequences of the Final Selected Alternative

The *Environmental Assessment* also contains detailed analyses of the potential environmental consequences of the four alternatives that were originally identified for protecting the Appalachian Trail across Saddleback Mountain. The following analysis of the environmental consequences of the Final Selected Alternative contains frequent

references to the *Environmental Assessment* and should be read in conjunction with that document.

Further, each of the four alternatives evaluated in the *Environmental Assessment* included a “logical development scenario” for potential ski area expansion so that the impacts of potential ski area expansion to the Appalachian Trail and natural and cultural resources could be quantified. A “logical development scenario” has not been prepared for the Final Selected Alternative because the impacts associated with the alternative can be accurately assessed or bracketed by comparing the potential for ski area development under the Final Selected Alternative to the other alternatives.

Under the Final Selected Alternative, the natural environment of the Appalachian Trail will remain much as it is today. Eddy Pond, the alpine zone, the krummholz, and a large percentage of the subalpine spruce-fir community will be protected. The entire southeastern quadrant, including Moose and Deer Pond and a large expanse of spruce-fir and spruce slope forest, will be protected through public ownership.

Changes could occur in the visual environment of the Trail if ski area development occurred on the western slopes of the mountain. The extent to which these changes could affect the Trail depends in large part upon economic factors (which in all probability will dictate the likelihood of expansion) and the actions of the Maine Land Use Regulation Commission and other regulatory agencies to review proposals for expansion and, if they approve them, require sufficient mitigation. If the market exists to support expansion, the ski area conceivably could expand up to ten times its current capacity by upgrading its existing facilities to industry standards, constructing the lifts that have been conditionally approved by LURC, and expanding its operations into the “saddle bowl” area – provided that expansion is approved by LURC (See Map 2.) If this degree of expansion is ever proposed, LURC’s actions in considering future ski area development will be critical to the long-term protection of important scenic, natural, and cultural values that exist on Saddleback Mountain.

Geology, land forms, and soils – This alternative will not result in any new direct impacts to geology, land forms, or soils, with the exception of minor ongoing erosion caused by continued use of the existing Appalachian Trail footpath and any other pedestrian trails on the mountain. Fragile soils at upper elevations within the Appalachian Trail corridor will be protected from all other forms of disturbance. Any disturbance that would occur on the eastern and southern slopes of the mountain would occur only as a result of activities permitted in the future under state management of these lands.

Any other impacts to soils would result not from the National Park Service’s action but from any construction of new ski lifts and trails at Saddleback Ski Area that might occur within the limits of the ski area’s planned development subdistrict or in the “saddle bowl.” Most of these impacts would be limited to lower and middle elevations on the west side of the mountain, where soils are deeper and less vulnerable to disturbance. It is assumed, however, that LURC would impose requirements on Saddleback Ski Area for any high-elevation ski area expansion similar to the conditions that it imposed as part of

its conditional approval of the proposed Upper Advanced and Sundance lifts in 1989 and 1994.

Visual resources – The Final Selected Alternative will maintain the existing visual landscape between Eddy Pond and a point at an elevation of approximately 3,800 feet above sea level on the southern ascent of Saddleback Mountain. From this point on to The Horn, visual impacts could occur in the foreground of the Appalachian Trail (see Map 3). The visual impacts associated with the construction of the Sundance and Upper Advanced lifts would be similar to those identified for Alternative #1 in the *Environmental Assessment*. This assumes that the conditions imposed by the Maine Land Use Regulation Commission on the location and design of those lifts would be successful in substantially reducing the visual impacts of these lifts and their associated trails. The full extent of these impacts is not known at this time, as Saddleback Ski Area has yet to present the detailed siting, engineering, and visual simulation studies required by LURC.

Other changes would be evident if Saddleback Ski Area expanded into the “saddle bowl” and the slopes of the 3,772-foot peak northwest of The Horn. According to Sno.engineering’s previous analysis (see Chapter 4 of the *Environmental Assessment*), Saddleback Ski Area could construct seven new ski lifts and 36 new ski trails in the “saddle bowl” outside the area that will be included in the scenic easement. In addition, under the Final Selected Alternative, one or more lifts could be constructed inside the scenic easement area, subject to the conditions of the scenic easement. Strict compliance with these measures – and careful consideration by LURC of any proposed development within its Mountain Areas Protection Subdistrict – should reduce, but not entirely eliminate, the visual impacts of any facilities constructed in the scenic easement area.

Long-distance and close-range views of the area surrounding Eddy Pond, the southern ridgeline of Saddleback Mountain, and the southeast side of Saddleback Mountain will be preserved and viewed as natural and undisturbed when seen from the Appalachian Trail.

In sum, the Final Selected Alternative will meet a Visual Quality Objective of “retention” for the portion of the Appalachian Trail between Eddy Pond and the point on the southern ascent of Saddleback Mountain where the Sundance lift would become visible. From that point on, however, ski area development associated with the Sundance and Upper Advanced lifts and in the “saddle bowl” could result in impacts to scenery that would be characteristic of a Visual Quality Objective of “modification.” However, it is also possible that a Visual Quality Objective of “partial retention” can be attained if (1) the National Park Service enforces strict compliance with the terms of the scenic easement and (2) LURC imposes and enforces restrictions on any future proposed development consistent with the restrictions that it imposed on the Sundance and Upper Advanced lifts. Close scrutiny of any proposed ski area development in the “saddle bowl” by the National Park Service and LURC should minimize the potential for any development that would be inconsistent with a Visual Quality Objective of “retention” or “partial retention.”

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Vegetation and Natural Communities – This alternative would preserve virtually all of the extant alpine ridge, alpine bog meadow, and krummholz communities on Saddleback Mountain, as well as almost 1,000 acres of spruce slope forest and early successional forest at lower elevations. In addition, approximately 90% of the subalpine spruce-fir forest community within the study area would remain intact (see Map 4).

The 58-acre alpine ridge community and the 46-acre krummholz community would be protected, as would approximately 572 acres of the 638-acre subalpine spruce-fir forest community. (This assumes full compliance with the conditions imposed by LURC as part of its conditional approval of the proposed Sundance and Upper Advanced lifts in 1989 and 1994.) Two small alpine bog meadow communities – one near the summit of Saddleback and another in the “saddle” between the summit and The Horn – would be permanently protected. Two monomictic mesotrophic lake communities (Eddy Pond and Moose and Deer Pond), comprising approximately 14 acres, would be protected. As with the other alternatives, direct impacts to these important natural communities associated with recreational foot traffic are comparatively minor in scope and can be effectively mitigated through proper trail design, trail maintenance, and educational programs for visitors.

Any impacts to vegetation and natural communities would result not from the National Park Service’s action, but would be associated with ski area development that might occur within the boundaries of the existing planned development subdistrict, in the “saddle bowl,” or on the westerly slopes of the 3,772-foot peak northwest of The Horn.

Constructing and operating the lifts and trails that were conditionally approved by LURC in 1989 and 1994 and upgrading existing ski lifts and trails to industry standards would have the same degree of impact on vegetation as Alternative #1. (LURC required Saddleback to conduct an alternative location analysis for the Sundance and Upper Advanced lifts that would reduce adverse impacts to alpine and protected subalpine vegetation.) In addition, up to 336 acres of additional clearing could occur if Saddleback expanded into the “saddle bowl.” Most of this ski area expansion would occur at lower elevations in spruce slope and early successional forest types. No alpine or krummholz communities would be directly affected, but depending on the design and location of the expansion, up to 33 acres of the subalpine spruce-fir community could be cleared for ski trails and lifts and another 33 acres could be fragmented from the community. In addition, some impacts could occur to krummholz vegetation should adjacent subalpine spruce-fir be affected by “dieback.” (See pages 20 and 21 of the *Summary Report* for a discussion of “dieback.”) However, these impacts could be reduced substantially – and possibly eliminated – through careful design and location of ski area facilities.

When LURC issued its conditional approval of Saddleback’s proposed planned development subdistrict in 1989 and 1994, it stipulated that Saddleback Ski Area must submit:

an alternative location analysis that fully examines a wide range of alternative locations for each of these ski trail and ski lifts, and, to the Commission’s

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satisfaction, determines suitable alternative locations that would, while serving skier needs, ... reduce the adverse impacts on alpine and protected subalpine vegetation.

-- Maine Land Use Regulation Commission, Approval to Amendment B to Preliminary Development Plan and Zoning Petition ZP 372, October 20, 1994

Assuming LURC imposes similar restrictions on development in the “saddle bowl,” construction of ski lifts and associated ski trails under the Final Selected Alternative could have little or no impact on alpine and krummholz communities. Further, ski area development in the “saddle bowl” could be designed in such a way that it would have only a limited impact on Saddleback Mountain’s subalpine spruce-fir forest community.

Rare Plant Species – The Final Selected Alternative would provide permanent protection for the known populations of six rare plant species, which are scattered about the Alpine Ridge and Alpine Bog Meadow communities. These six plant species include *Carex bigelowii* (Bigelow’s sedge), *Diapensia lapponica* (diapensia), *Geocaulon lividum* (northern comandra), *Hierochloe alpina* (alpine holy grass), *Minuartia groenlandica* (mountain sandwort), and *Vaccinium boreale* (sweet hurts). The state of Maine has listed *Hierochloe alpina* as a threatened species and *Vaccinium boreale* as an endangered species. Impacts on known rare plant species would be similar to the impacts of the alternatives studied in the *Environmental Assessment* – the lands that would be acquired encompass the areas where these plants have been found and the natural communities in which they exist. Any ongoing impacts associated with recreational uses in these areas, (which are currently minor in scope) can be effectively mitigated through proper trail and ski area design, maintenance, and operations, and educational programs for visitors.

No known federally listed threatened or endangered plant species would be affected by this alternative.

Several other rare plant species are known to occur in alpine habitats in western Maine (see Chapter 3 of the *Environmental Assessment*), but it is not known whether these species are present or absent on Saddleback Mountain because the landowner has declined to allow on-the-ground studies. Potential impacts to these species cannot be measured until detailed field surveys can be conducted to determine the presence or absence of these species on Saddleback Mountain. Such studies should be conducted as part of LURC’s review of any future ski area expansion proposals.

Rare Animal Species – Any impacts to rare animal species would be secondary, and would occur as a result of ski area development outside the protected Appalachian Trail corridor. Bicknell’s thrush, which is listed by the state as a species of special concern and was formerly listed as a Category 2 candidate species by the U.S. Fish and Wildlife Service (see page 3-22 of the *Environmental Assessment*), is known to nest in high-elevation spruce-fir communities near tree-line. The most likely impacts to Bicknell’s thrush (*Catharus bicknellii*) would occur as a result of removal or fragmentation of the subalpine spruce-fir forest community, which is its primary breeding habitat.

Under the Final Selected Alternative, approximately 572 acres of the 638-acre subalpine spruce-fir forest community in the study area would remain intact. Of the remaining 66 acres, up to approximately 33 acres could be cleared for ski lifts and trails and another 33 acres could be fragmented from the primary community by ski area development.

Though any potential reduction in overall breeding habitat is likely to have a corresponding adverse impact on total population, the actual effect of this amount of habitat reduction on the total *Catharus bicknellii* population on Saddleback Mountain is unknown. This issue should be thoroughly evaluated should any future ski area development proposal be submitted to LURC.

According to recent information provided by the U.S. Fish and Wildlife Service, some evidence exists that Canada lynx (*Lynx canadensis*), a federally listed threatened species and a state species of special concern, may be present in the Saddleback Mountain range. Due to forest fragmentation, land ownership patterns, and barriers to connectivity, there are relatively few areas in North America that may be capable of supporting a lynx population. One of the only large continuous blocks of forest land within lynx habitat in the Northeast is located in northwestern Maine.

Lynx habitat includes coniferous forests and mixed coniferous/deciduous vegetation types dominated by spruce, balsam fir, pine, northern white cedar, hemlock, aspen, and paper birch. The highest frequencies of lynx reports generally come from cool, coniferous forests in northern areas. In the Northeast, coniferous forests typically occur at mid-elevations in montane areas. In addition to spruce-fir forests, mountainous krummholz areas also provide foraging habitat for snowshoe hare and other prey species of the lynx. McKelvey *et al* (1999) plotted known occurrence records for lynx in the northeast United States (primarily in New Hampshire and Maine) by vegetation cover and elevation. The majority of lynx records (53%) were reported in red spruce-balsam fir/sugar maple-birch-beech forests. An even greater percentage (77%) of lynx records were found at elevations between 250 meters (825 feet) and 750 meters (2,480 feet) above sea level.

The Canada Lynx Conservation Assessment and Strategy (2nd edition, August 2000) indicates that ski resorts on north-facing slopes may affect lynx denning, foraging, and diurnal security habitats, as well as habitat connectivity, in a number of different ways. Ski runs may dissect and restrict the movement of lynx. Roads, trails, and winter recreation resulting in snow compaction may allow coyotes, bobcats, and other predators to travel into lynx habitat and compete for snowshoe hare prey. (Lynx have evolved a competitive advantage in environments with deep, soft snow that tends to exclude other predators.) Lynx also have been observed to avoid large openings, either natural or created, during daily movements within their home range. Lastly, high-intensity uses such as large ski resorts may create a level of disturbance and degrade habitat to a degree that effectively precludes lynx use of otherwise suitable habitat. However, the U.S. Fish and Wildlife Service also has data that indicate lynx can tolerate nearby human activity, as well as anecdotal reports that suggest that lynx are not necessarily displaced by human presence.

Virtually all of the lands that will be acquired under the Final Selected Alternative are above 750 meters (2,480 feet) above sea level (see Map 1). However, a substantial percentage of the southeast quadrant of Saddleback Mountain is covered by spruce slope forest and spruce slope/early successional forest with large patches of birch and beech, all of which could provide suitable habitat for Canada lynx.

Even though ski resorts represent only a small fraction of the habitat available to lynx, their location on north-facing slopes, high seasonal and year-round use, and associated development may make them potentially important movement and dispersal risk factors.

No studies have been conducted to determine the presence or absence of Canada lynx on Saddleback Mountain (the landowner declined to allow such studies to be conducted as part of the environmental analysis). As a result, the effects of potential ski area development at this location on Canada lynx are unknown, but should be examined thoroughly before any proposed development is approved.

No other known federally listed threatened or endangered animal species would be affected by this alternative.

As with the other alternatives, impacts to four other animal species that may potentially be present on Saddleback Mountain – *Microtus chrotorrhinus* (yellow-nosed vole), *Picoides tridactylus* (northern three-toed woodpecker), *Sorex dispar* (long-tailed shrew), and *Synaptomys borealis* (northern bog-lemming) – cannot be measured until field surveys can be conducted to determine the presence or absence of these species on Saddleback Mountain.

Wildlife – This alternative will not result in any major change in wildlife habitat. Approximately 1,125 acres will be protected in a natural state, which could benefit species that require large areas of undisturbed habitat.

Water resources – This alternative will preserve Eddy Pond, Moose and Deer Pond, and the headwaters of all tributary streams on the eastern, northern, and southern slopes of Saddleback Mountain. Eddy Pond will not be used for snowmaking purposes, and will be preserved in its current natural condition.

Secondary impacts associated with ski area expansion could result in clearing up to 336 additional acres, with corresponding increases in run-off and peak flows during storm events. Impacts resulting from this development would be similar to, and possibly greater than, the impacts associated with Alternative #4. Snowmaking coverage on ski trails at conceptual full build-out under the Final Selected Alternative would require up to 421.4 million gallons of water, or 1293.0 acre-feet of water, which presumably would be withdrawn from Saddleback Lake.

Cultural resources – This alternative will ensure permanent protection of the existing footpath of the Appalachian National Scenic Trail, which has been identified by the

Maine Historic Preservation Commission as a potentially significant historic resource that should be evaluated for nomination to the National Register of Historic Places.

The Final Selected Alternative will not affect any known archaeological resources. According to the Maine Historic Preservation Commission, the probability of significant cultural resources (other than the Appalachian Trail) being present in the study area is low. However, no detailed field surveys have been conducted.

Recreation – The Final Selected Alternative will preserve much of the existing recreational experience along this section of the Appalachian National Scenic Trail.

The hiking environment and experience from Eddy Pond to a point somewhere south of the proposed Sundance lift will be identical to the environment and hiking experience described in Alternative #1 in the *Environmental Assessment*. The Appalachian Trail's southern ascent of Saddleback Mountain will continue to provide visitors with dramatic 360° views of the surrounding landscape, an intimate view of subalpine and alpine vegetation and the evidence of geologic and climatologic extremes, and a sense of the scenic grandeur of the natural world. Visitors will have a sense of remoteness and the challenge of relying on their own abilities and outdoor skills.

North of that point, however, changes that could occur in the landscape would affect the Appalachian Trail visitor's sense of remoteness and solitude. The sense of predominance of the natural world would give way to an awareness of manmade features, even though most of these features would be located below or at a distance of at least 400 feet from the Appalachian Trail footpath. The most apparent changes would be those ski facilities within the "visual foreground zone" in the saddle bowl, which would be perceived by some as intrusions on the remote character of the Appalachian Trail. If constructed, these lifts and trails would change the Trail experience along this section of the Appalachian Trail from its current remote, natural character to a more developed recreational environment. Adherence to the terms of the scenic easement should reduce the severity of these impacts by minimizing the visibility of ski area development.

Saddleback Ski Area will be able to undertake a major expansion if its owners choose to do so. The four lifts (the Sundance, Upper Advanced, El Hombre, and No Name Nubble lifts) and six ski trails proposed by Saddleback Ski Area and conditionally approved by LURC in 1989 and 1994 could be constructed. Saddleback Ski Area's existing facilities also could be upgraded to modern industry standards.

Saddleback Ski Area also could develop outside the scenic easement area in the lower reaches of the "saddle bowl" and on the slopes of the 3,772' peak north of The Horn, as well as inside the scenic easement area provided it met the terms of the scenic easement and received the necessary approvals from LURC and any other permitting agencies. If this were to occur, the extent of development in the "saddle bowl" would be similar to, and perhaps greater than, the development contemplated under Alternative #4 in the *Environmental Assessment*. Seven new quad lifts could be built outside the scenic easement area in the "saddle bowl" and up to the 3,772-foot peak. In addition, one or

more lifts could be constructed within the scenic easement area, subject to the conditions contained in the scenic easement.

The ski area will not be able to expand its operations onto the southeast side of the mountain, nor will any portion of the Appalachian Trail footpath be directly impacted by ski area development. The proposed high-elevation crossings on the southwestern shoulder of the mountain will not occur, thus eliminating potentially significant adverse impacts to the Trail's immediate environment. Further, the ski area will not be able to expand into the highest elevations of the "saddle bowl," where impacts to soils, vegetation, rare plant and animal communities, and other resource values would be significant.

If Saddleback Ski Area were to expand to the full potential of the terrain available under the Final Selected Alternative, it could increase its existing capacity of 1,300 skiers at one time (SAOT) to between 12,200 to 13,900 SAOT, or roughly ten times its current capacity. This substantial level of ski area expansion could be designed and constructed in a manner that provides a balance of skiing terrain and a "comfortable carrying capacity" breakdown that compares favorably with the ideal industry average for beginner, intermediate, and advanced skier ability levels (see the discussions of this issue in the *Environmental Assessment* and *Summary Report*). If necessary, special design features could be utilized to help alleviate any imbalances in the novice, low intermediate, and expert categories and make the lower portions of the advanced trails more suitable to advanced skiers.

There will be little or no impact on other recreational opportunities in the area. In addition to skiing and hiking, other recreational activities – hunting, fishing, boating, sight-seeing, and snowmobiling – will continue to be popular recreational attractions in the Rangeley Lakes area. ITS 84/89, an existing snowmobile trail that crosses the southeastern portion of the property near Eddy Pond and Moose and Deer Pond, will remain open for snowmobile use.

Social and economic consequences – The only direct impact associated with the Final Selected Alternative will be a slight decrease in the property tax base in Sandy River Plantation, Madrid, and Redington due to the transfer of property interests from private to public ownership. This impact will be largely offset by payments under the Payments-in-Lieu-of-Taxes (PILT) program.

The remaining socioeconomic impacts identified through this analysis represent the impacts that could be projected to occur if the National Park Service acquires the lands identified in the Final Selected Alternative and Saddleback Ski Area invests the funds necessary to expand the ski area to the full build-out capacity of the remaining area suitable for expansion. These social and economic impacts would be secondary impacts, and will be dependent in large part on the actions of the owner of Saddleback Ski Area and state and local agencies with jurisdiction over development of the ski area.

(As noted in the *Environmental Assessment*, a socioeconomic analysis is not an appraisal of the property, nor is it an indication of the financial feasibility of pursuing ski area

expansion at Saddleback. It is also important to note that the impacts identified below assume complete certainty of ski area expansion to the maximum degree feasible under this alternative. However, the economic supply and demand factors discussed in the *Environmental Assessment* suggest that the likelihood of expansion at Saddleback Ski Area is not certain. Therefore, the impacts described below should not be considered as certain, but rather discounted to reflect the uncertainty of expansion.)

Under the Final Selected Alternative, Saddleback Ski Area could increase its capacity from the current 1,300 SAOT to between 12,500 and 13,900 SAOT. If Saddleback chose to expand to this degree, skier-visits could be projected to increase from the current 33,250 per season up to at least 208,000 (an increase of approximately six times the current visitation) at the end of a ten-year phase-in period. Although this represents a large increase in visitation, the ski area's utilization rate (14%) would still be low by industry standards. (See Appendix D of the *Environmental Assessment* for an explanation of the methodology used in making this projection.)

Annual construction costs, annual construction jobs, annual personal income, net increase in Saddleback Ski Area employment, expenditures by Saddleback Ski Area visitors, secondary, indirect, induced, and total employment, annual personal income, and housing demand would be similar to the impacts identified for Alternative #4 (with some potential for a slight increase above these estimates) in the *Environmental Assessment*. In short, if Saddleback Ski Area were to expand to a level consistent with Alternative #4, the ski area would employ 366 FTEs (full-time equivalencies) during construction and 526 permanent FTEs at the end of a ten-year phase-in period. In addition, this level of expansion would generate 432 additional jobs in other employment sectors in Franklin County. Lastly, approximately \$34.46 million dollars in local construction spending and \$59.31 million dollars in visitor expenditures could occur during a ten-year phase-in period. These figures would be slightly, but not substantially, higher if Saddleback expanded to the absolute maximum degree possible under the Final Selected Alternative.

Expansion of the ski area would create increases in taxable property and demands for municipal services in the communities in which Saddleback Ski Area operates. If Saddleback Ski Area expands its facilities to the full build-out scenario possible under the Final Selected Alternative, property tax payments to Sandy River Plantation could be expected to increase commensurate with the increased valuation of the personal property that is added. In addition, a base terminal and portions of seven ski lifts would be added in Dallas Plantation, increasing both the tax base and the need for municipal services. The top portions of two lifts could be located in Redington and the top portion of at least one other lift could be located in Madrid. Further analysis would be needed to determine if this expansion would require transfer of lands from the current "tree growth" category to vacant or improved land status. Saddleback Ski Area's property tax payments to Redington and Madrid would increase slightly.

Any substantial increases in ski area visitation would necessitate a number of changes in the community. Needs for additional police, fire, and emergency medical services, expanded or new solid waste disposal facilities, and road and highway improvements

would become major issues. In addition to the impacts on municipal and county services, it is likely that increases in visitation would result in some secondary development in the area – including residential development to accommodate new employees and commercial development to support these new residents. This additional development would, in turn, put additional pressure on municipal and county services.

Consistency with Planning Documents – This alternative is consistent to a degree with planning objectives for protection of “remote resources” along the Appalachian National Scenic Trail, which emphasize acquisition of sufficient interests to “preserve the remote character” and “protect native vegetation, wildlife, and water resources.” The remote character of the Trail on the southeastern approach to the summit will be preserved in its entirety, as will the critical elements of the natural environment, but the remote character of the “saddle bowl” would be affected if Saddleback Ski Area were to expand into that area. This alternative also is consistent to a large extent with the planning objectives for protection of “significant natural area resources,” which emphasize acquisition of sufficient interests “to preserve natural and geologic features, vistas, vegetation, wildlife, and water quality.” However, the Final Selected Alternative does fall short of full protection of vistas and vegetation.

This alternative provides for the landowner’s established development and all currently proposed expansion plans within the Planned Development Subdistrict conditionally approved by LURC in 1989 and 1994. In addition, a large portion of the undeveloped “saddle bowl” north of the existing ski area would be available for future expansion should expansion ever become economically feasible. In order to expand its operations into the “saddle bowl,” Saddleback Ski Area would be required to apply to LURC for rezoning areas in Redington, Sandy River, and Dallas Plantation from the current Mountain Areas Protection Subdistrict (P-MA) and General Management Subdistrict (M-GN) to Planned Development Subdistrict (D-PD). Saddleback also would need to apply to LURC for rezoning any area in Madrid, which disincorporated on July 1, 2000.

The Final Selected Alternative also is consistent with the current Maine Land Use Regulation Commission designations for the subject area. Almost all of the 1,447-acre acquisition area lies within areas designated by LURC as either Mountain Areas Protection or Recreation Protection subdistricts. The remaining areas, consisting of approximately 40 acres currently designated as General Management Subdistrict areas, consist of small, isolated parcels of land located near the southern and eastern boundaries of the property. This alternative also is fully consistent with the Recreation Protection subdistricts (P-RR) that have been identified to protect the primitive recreational resources of the Appalachian Trail as a national scenic trail and Eddy Pond as a Management Class 6 lake.

Public Review and Availability of the *Environmental Assessment* and the *Summary Report*

When the *Environmental Assessment* was issued, the National Park Service invited the public to submit their comments regarding the document during a 60-day public comment

period that closed August 31st, 1999. Approximately 3,000 copies of the document were printed and distributed to the public. The document also was made available to the public via the Appalachian National Scenic Trail's website at <<http://www.nps.gov/aptr/>>. In addition, the National Park Service held three public meetings, in Rangeley, Bangor, and Portland, Maine, on August 3rd and 4th, 1999. Notices and press releases announcing the availability of the document and the locations, dates, and times for the public meetings were published in local and regional newspapers for three successive weeks.

Comments received from the public during the comment period were analyzed and documented in a *Summary Report*, which was issued in January 2000. Approximately 4,000 copies of the *Summary Report* were distributed. In addition, the report was posted on the Appalachian National Scenic Trail's website at <<http://www.nps.gov/aptr/>>. Copies of the *Environmental Assessment*, the *Summary Report*, and this *Finding of No Significant Impact and Decision Document* also are on file in the offices of the Appalachian National Scenic Trail Park Office, Harpers Ferry Center, Harpers Ferry, West Virginia 25425.

Summary of Public Comments

A total of 4,493 comments (excluding duplicate entries) were received during the 60-day public comment period. Substantive comments were analyzed consistent with the guidance provided in NPS-12, the National Park Service's guideline for environmental compliance. Most of the substantive comments focused on rare plant and animal species, recreation resources (both skiing and hiking), visual resources, socioeconomic impacts, consistency with planning documents, legal issues, and negotiations.

The following list summarizes the substantive comments that were received by category:

<u>Issue or Resource Concern</u>	<u># of Substantive Comments</u>
Geology, Landforms, and Soils	2
Natural Communities, Rare Plant Species, and Rare Animal Species	21
Wildlife	3
Water Resources	3
Recreation – Trail-related	17
Recreation – Ski-related	38
Visual Resources	13
Cultural Resources	1
Socioeconomic	55
Consistency with Planning	17
Negotiations and Alternatives	37
Legal	16
Other Alternatives	15
Other Issues	3
Total	241

Detailed responses to all substantive comments are provided in the *Summary Report*.

Why the Final Selected Alternative Will Not Have a Significant Impact on the Human Environment

While not a decision document, the *Environmental Assessment for the Protection of the Appalachian National Scenic Trail across Saddleback Mountain* identified the important natural, cultural, scenic, and recreational components of the environment of the Appalachian Trail across Saddleback Mountain and described the potential consequences of four alternatives on these resource values. The *Summary Report* provided an extensive analysis of the input received from the general public during the public comment period and incorporated changes to the administrative record as appropriate. This *Finding of No Significant Impact and Decision Document* contains a detailed summary of the potential environmental consequences of the Final Selected Alternative and completes the environmental analysis process by documenting the National Park Service's decision in this matter.

As documented in detail in the *Environmental Assessment*, the *Summary Report*, and the *Finding of No Significant Impact and Decision Document*, the following effects upon the human environment can be expected if the Final Selected Alternative is implemented:

- The Final Selected Alternative could result in some indirect impacts to the geology, landforms, or soils on Saddleback Mountain, but not as a result of National Park Service activity. Minor ongoing erosion of soils associated with the use of the existing Appalachian Trail footpath and other pedestrian trails is expected to continue. Increased efforts will be taken to keep visitors on existing pedestrian trails, including the Appalachian Trail, to reduce erosion. (page 3-1 of the *Environmental Assessment*, page 19 of the *Summary Report*, and pages 6 and 7 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will preserve virtually all of the extant alpine ridge, alpine bog-meadow, and krummholz communities on Saddleback Mountain. In addition, these natural communities provide habitat for six known rare plant species (and possibly more) and include exceptional examples of vegetation surviving under extreme environmental and climatological stress. Two of the rare plant species – alpine holy grass and sweet hurts – are listed as threatened and endangered, respectively, by the state of Maine. (pages 3-12 to 3-18 of the *Environmental Assessment*, pages 19 to 24 of the *Summary Report*, and pages 8 and 9 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will protect portions of the exceptional natural scenery that presently exists along the Appalachian National Scenic Trail across Saddleback Mountain. The Appalachian Trail currently traverses through this environment in a natural setting, with few visual intrusions. The scenic environment of the Trail would be altered to some degree by any future ski-area development that might occur near

the existing ski area or in the “saddle bowl.” Some of this development could occur in the visual “foreground” and “middle-ground” zones as determined using the U.S. Forest Service’s Visual Management System. Ski-area development would not occur in the “saddle bowl” any closer than 400 feet from the footpath of the Appalachian Trail, where the visual impacts of ski area development would be difficult, if not impossible, to mitigate. A Visual Quality Objective of “retention” will be achieved for the Appalachian Trail between Eddy Pond and a point somewhere south of the proposed Sundance lift on the southwestern shoulder of Saddleback Mountain. From that point on, a visual quality objective of either “modification” or “partial retention” would be achieved if ski area development occurred, with the final outcome being dependent upon the success or failure of mitigating measures. Long-distance views of the area surrounding Eddy Pond, the southern ridgeline of Saddleback Mountain, and the entire southeast side of Saddleback Mountain will be preserved and viewed as natural and undisturbed when seen from the Appalachian Trail. (pages 3-2 to 3-12 of the *Environmental Assessment*, pages 42 to 47 of the *Summary Report*, and page 7 of the *Finding of No Significant Impact and Decision Document*)

- The Final Selected Alternative will protect portions of the existing recreational experience along the Appalachian National Scenic Trail across Saddleback Mountain. Many of the opportunities for finding remoteness, scenery, challenge, and solitude on this section of the Appalachian Trail, which are some of the highest-quality opportunities offered along the entire length of the Appalachian Trail, will be preserved. Other opportunities, however, are likely to change if ski area expansion takes place. (pages 3-27 to 3-31 of the *Environmental Assessment*, pages 26 to 30 of the *Summary Report*, and pages 11 and 12 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will ensure that at least 572 acres of the 638-acre subalpine spruce-fir community in the study area would remain intact. If ski-area expansion occurs, up to 33 acres of subalpine spruce-fir forest in the upper elevations in the “saddle bowl” would be cleared for ski area development, and another 33 acres would be fragmented. Removal and fragmentation to this degree may or may not affect Bicknell’s thrush, which uses this natural community as its primary breeding habitat. Further, no studies have been conducted to determine the presence or absence of Canada lynx on Saddleback Mountain, and the effects of potential ski area development on Canada lynx, should they exist on Saddleback Mountain, are unknown at this time. Further studies would need to be conducted should any development be proposed in the potential habitat of these species. (pages 3-12 to 3-16 and 3-19 to 3-22 of the *Environmental Assessment*, pages 19 to 24 of the *Summary Report*, and pages 9, 10, 14, and 15 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will provide for all of the landowner’s existing development and current expansion plans. The ski area will be able to construct the proposed Upper Advanced and Sundance lifts and associated trails if it chooses to do so and is able to meet the conditions imposed by LURC. Although the proposed

Upper Advanced and Sundance lifts and ski trails are still likely to have some visual impacts on the Appalachian Trail, full compliance with the mitigating measures required by LURC should reduce these impacts. The full extent of these impacts cannot be quantified until final design proposals for the proposed ski lifts and trails are submitted to and reviewed by LURC pursuant to its 1994 conditional approval. (pages 3-2 to 3-12 and 3-32 to 3-35 of the *Environmental Assessment*, pages 31 to 40 and 42 to 47 of the *Summary Report*), and pages 12 and 13 of the *Finding of No Significant Impact and Decision Document*)

- The Final Selected Alternative is consistent with current land use designations by LURC for the subject area. Almost all of the 1,447-acre acquisition area falls within areas designated by LURC as Mountain Areas Protection (P-MA) or Recreation Protection (P-RR) subdistricts. As noted in the *Environmental Assessment*, the purposes of these designations are “to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil, and climate..., to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.” (pages 3-48 to 3-53 of the *Environmental Assessment*, pages 65 to 68 of the *Summary Report*, and page 19 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative is largely consistent with National Park Service planning objectives for protection of “remote resources” along the Appalachian National Trail, which emphasize acquisition of sufficient interests to preserve the remote character and protect native vegetation, wildlife, and water resources. However, if it occurs, ski area development in the “saddle bowl” likely would change the sense of remoteness currently found along the Trail from a point south of the summit of Saddleback Mountain to The Horn. The Final Selected Alternative also is largely consistent with National Park Service planning objectives for protection of “significant natural area resources,” which emphasize acquisition of sufficient interests “to preserve natural and geologic features, vistas, vegetation, wildlife, and water quality.” (pages 3-47 to 3-48 of the *Environmental Assessment*, pages 26 to 30 and 65 to 69 of the *Summary Report*, and page 19 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will permanently protect Eddy Pond, which is important because of its water quality, fisheries, and remote recreational opportunities. Eddy Pond has been identified by LURC as a “Management Class 6 lake,” which means that development is currently prohibited within a one-half-mile protection zone surrounding the pond. (pages 3-23 to 3-25 and 3-50 of the *Environmental Assessment*, pages 25 to 26 and 65 to 69 of the *Summary Report*, and pages 15 and 19 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative will ensure permanent protection of the existing footpath of the Appalachian National Scenic Trail, which has been identified by the Maine Historic Preservation Commission as a potentially significant historic resource that should be evaluated for nomination to the National Register of Historic Places.

(pages 3-27 of the *Environmental Assessment*, page 41 of the *Summary Report*, and pages 11 and 12 of the *Finding of No Significant Impact and Decision Document*)

- The Final Selected Alternative leaves substantial terrain available for ski area expansion. Saddleback Ski Area would be able to expand its capacity up to 12,200 to 13,900 skiers at one time, or roughly ten times its current capacity. In addition to being able to construct all of the ski area expansion conditionally approved by LURC in 1989 and 1994, Saddleback Ski Area would be able to utilize a large portion of the “saddle bowl” for ski area expansion – provided its facilities are approved by LURC and are consistent with the terms of the scenic easement. In addition, Saddleback Ski Area could provide a balance of skiing opportunities for all ability levels from beginner to expert. (pages 3-32 to 3-39 of the *Environmental Assessment*, pages 31 to 40 of the *Summary Report*, and pages 16 and 17 of the *Finding of No Significant Impact and Decision Document*)
- Implementing the Final Selected Alternative will not have any direct social or economic consequences, other than a slight decrease in the property tax base in Sandy River Plantation, Madrid, and Redington, which would be largely offset by payments under the Payments-in-Lieu-of-Taxes (PILT) program. (pages 3-47 of the *Environmental Assessment*, page 64 of the *Summary Report*, and page 17 of the *Finding of No Significant Impact and Decision Document*)
- The Final Selected Alternative allows substantial opportunities for economic growth. The market for expansion of the ski area, however, is uncertain, and expansion may or may not take place. If Saddleback Ski Area expanded to the maximum degree possible under the Final Selected Alternative, the consequent economic impacts would slightly exceed the maximum economic impacts described under Alternative 4. Under this scenario, the ski area would employ approximately 336 FTEs (full-time equivalencies) during construction and 526 permanent FTEs at the end of a ten-year phase-in period. This level of expansion would generate 432 additional jobs in other employment sectors in Franklin County. Approximately \$34.46 million dollars in local construction spending and \$59.31 million dollars in visitor expenditures could occur during a ten-year phase-in period. However, utilization rates likely would be low by comparison to other ski areas. (pages 3-39 to 3-47 of the *Environmental Assessment*, pages 47 to 65 of the *Summary Report*, and pages 17 to 19 of the *Finding of No Significant Impact and Decision Document*)
- Ski area expansion on the southeast side of the mountain will not occur. As a result, the impacts to visual and ecological resources associated with construction of ski-area facilities and lifts on the southeast side of the mountain and two catwalk crossings of the Appalachian Trail will not take place. (pages 3-2 to 3-22 of the *Environmental Assessment*, pages 19 to 31 and 42 to 47 of the *Summary Report*, and pages 6 to 15 of the *Finding of No Significant Impact and Decision Document*)
- Because the landowner declined to allow on-the-ground studies to determine the presence or absence of several rare plant and animal species or the full extent of

known rare species that exist in the alpine and subalpine habitats of Saddleback Mountain, it is not possible to assess precisely the potential impacts upon such species. However, the proposed acquisition will eliminate the possibility of development in virtually all of the alpine zone and krummholz, where adverse impacts to such species are more likely to occur. LURC should require additional studies prior to authorizing any additional development on the mountain. (pages 3-12 to 3-22 of the *Environmental Assessment*, pages 19 to 24 of the *Summary Report*, and pages 11 to 15 of the *Finding of No Significant Impact and Decision Document*)

- Under the National Park Service Organic Act, the National Park Service may not allow an impairment of park resources and values. If an impairment exists, the National Park Service must act to eliminate it. The action undertaken by the National Park Service (implementing the Final Selected Alternative) will provide permanent protection for this section of the Appalachian National Scenic Trail and not impair its resources and values.
- The Final Selected Alternative will have no significant adverse impacts on air quality, wildlife, wetlands, floodplains, or prime and unique farmlands. No known cultural resources will be adversely affected. The proposed action will not adversely affect any known populations of federally listed threatened, endangered or candidate species or their habitats. Further studies may be needed, however, should ski area expansion occur on lands outside the fee corridor of land that would be acquired by the National Park Service. (pages 3-1, 3-2, 3-12 to 3-27 of the *Environmental Assessment*, pages 19 to 26 and 41 of the *Summary Report*, and pages 6 to 16 of the *Finding of No Significant Impact and Decision Document*)

Determination of a Finding of No Significant Impact

On the basis of the information contained in the *Environmental Assessment*, the *Summary Report*, and this *Finding of No Significant Impact and Decision Document*, it is the determination of the National Park Service that implementing the Final Selected Alternative is not a major federal action significantly affecting the quality of the human environment. The proposed action is not without precedent, nor is it similar to those actions normally requiring an environmental impact statement. Therefore, in compliance with the National Environmental Policy Act, an environmental impact statement will not be prepared.

Decision

After review of the analysis of environmental impacts, consideration of public comments, and the conclusion of negotiations with the landowner, the National Park Service has determined that the Final Selected Alternative serves to meet the purposes of the National Trails System Act. The Final Selected Alternative provides the highest level of protection achievable at this time for this section of the Appalachian National Scenic Trail. It represents a balance between Trail protection objectives and the needs of the

Rangeley region for economic development. The National Park Service has decided, therefore, to implement the Final Selected Alternative as the federal action.

Implementing the Final Selected Alternative will provide for fee simple acquisition of 1,125 acres and acquisition of a scenic easement on another 322 acres owned by the owner of Saddleback Ski Area. This federal acquisition will have a beneficial effect on the natural environment. The entire 1,125-acre parcel identified above will be brought into federal ownership and protected from further development, either in federal ownership or in subsequent state ownership subject to such conditions as are necessary to ensure the protection of the Appalachian National Scenic Trail. This parcel will protect virtually all of the alpine and krummholz communities and a substantial portion of the subalpine spruce-fir community on Saddleback Mountain. Many of the scenic and outdoor recreational values currently offered on this section of the Appalachian Trail will be preserved through the fee acquisition of the 1,125-acre parcel in combination with the scenic easement, which imposes numerous restrictions on any future development that may occur on the 322-acre parcel identified above.

The Final Selected Alternative does not preclude substantial expansion of the ski area should the owner wish to do so, nor does it inhibit Saddleback Ski Area from upgrading its current facilities to modern industry standards. Further, Saddleback Ski Area would be able to construct and operate the Sundance, Upper Advanced, and No Name Nubble lifts and trails approved by the Maine Land Use Regulation Commission (LURC) in 1989 and 1994, provided it meets the conditions imposed by LURC as part of those approvals. In addition, should Saddleback Ski Area eventually look to expand into the “saddle bowl,” it could do so, provided it meets the conditions of the scenic easement and receives the proper authorizations from LURC and any other state or local governing authorities. Presumably, LURC would authorize ski area expansion into the “saddle bowl” or other areas only if the adverse impacts of that development on soils, vegetation, rare plant and animal species, water resources, scenery, and other recreational values can be mitigated. To accomplish this, it is likely that LURC would need to impose and enforce conditions at least as stringent as the provisions of the 1989 and 1994 authorizations for the Sundance and Upper Advanced lifts. The National Park Service’s action to implement the Final Selected Alternative should not be construed as an endorsement of ski area expansion into the “saddle bowl,” but as an action that reflects an understanding that decisions about appropriate uses of that land should be made within the context of a LURC review process involving the broadest possible constituencies, including the National Park Service, the Appalachian Trail Conference, the Maine Appalachian Trail Club, and other members of the Appalachian Trail community. LURC’s actions in this regard ultimately will be critical to the long-term protection of the nationally significant scenic, historic, and natural values of the Appalachian National Scenic Trail as it traverses Saddleback Mountain.

Copies of this Finding of No Significant Impact and Decision Document are being distributed to federal, state, and local government agencies and all persons and organizations that commented on the *Environmental Assessment* (provided they included an address with their comments). In addition, copies are available in local public

libraries in Franklin County, Maine, in the National Park Service Washington Office in Washington, DC, and in the Appalachian Trail Park Office in Harpers Ferry, West Virginia.

Recommended by:

Park Manager, Appalachian National Scenic Trail

Date

Approved:

Associate Director, Operations and Education
National Park Service

Date